

The City of San Diego

Staff Report

DATE ISSUED: 7/31/2018

TO: City Council

FROM: Public Works Department

SUBJECT: 101 Ash Street Building Project and Appropriations

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Contact:

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Council District(s): 3

OVERVIEW:

This action will authorize the Mayor or his designee to award a construction contract for the 101 Ash Improvements Project in the Centre City Community and make any necessary appropriations, make any necessary appropriations and execute any necessary financial transactions.

PROPOSED ACTIONS:

Option A: Cancel Bid

- 1. A resolution requesting the Mayor or his designee to cancel bids for 101 Ash Improvements, CIP WBS S-17009.
- 2. A resolution authorizing the Chief Financial Officer to amend the Fiscal Year 2019 Capital Improvement Program (CIP) budget appropriations as follows:
 - Decrease appropriations in CIP S17009, 101 Ash Improvements \$71,975 from Fund 200001 Facilities Financing Fund
 - Decrease appropriations in CIP S17009, 101 Ash Improvements \$3,415,760 from Fund 400265 -General Fund
 - Decrease appropriations in CIP S17009, 101 Ash Improvements \$9,517,649 from Fund 400002 Capital Outlay
- 3. A resolution authorizing the Chief Financial Officer to make the following appropriations and transfers between funds:
 - Appropriate and transfer an amount up to \$490,725 from General Fund, 400265 to the Engineering and Capital Projects, Fund 720057
 - Appropriate and transfer an amount up to \$573,417 from General Fund, 400265 to the Department of IT, Fund 200308
 - Appropriate and transfer an amount up to \$251,618 from General Fund, 400265 to the Transient Occupancy Tax, Fund 200205

Option B: Award Base Bid

1. A resolution authorizing the Mayor or his designee to execute a construction contract for the Base Bid, with the lowest responsible and reliable bidder, West Coast General Corp. The funding will come from General Fund contributions to the CIP- Fund 400265, Capital Outlay- Fund 400002, Facilities Financing Fund-Fund 200001, 101 Ash Facility Improvements Fund- Fund 400866, SDTFC Series 2018C Tax Exempt Bonds- Fund 400868 and will be used for construction of the 101 Ash Improvements, CIP WBS S-17009, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer

- 2. The Chief Financial Officer is authorized to expend an amount not to exceed \$19,524,178 for CIP S17009, 101 Ash Improvements Project, which includes funding the for the construction contract, change orders, staff time, modular office spaces, and related project costs.
- 3. A resolution authorizing the Chief Financial Officer to make the following appropriations and transfers between funds:
 - Appropriate and transfer an amount up to \$388,529 from General Fund, 400265 to the Engineering and Capital Projects, Fund 720057
 - Appropriate and transfer an amount up to \$217,551 from General Fund, 400265 to the Department of IT, Fund 200308
 - Appropriate and transfer an amount up to \$183,488 from General Fund, 400265 to the Transient Occupancy Tax, Fund 200205
- 4. A resolution authorizing an amendment increasing the not to exceed amount from \$80.5 million to \$83.0 million for the issuance of General Fund Lease Revenue Commercial Paper Notes
- 5. A resolution authorizing the Chief Financial Officer to amend the Fiscal Year 2019 Capital Improvement Program (CIP) budget appropriations as follows:
 - Decrease appropriations by \$388,529 in CIP \$17009,101 Ash Improvements, from Fund 400265 -General Fund
 - Decrease appropriations by \$217,551 in CIP S17009,101 Ash Improvements, from Fund 400265 -General Fund
 - Decrease appropriations by \$183,488 in CIP S17009,101 Ash Improvements, from Fund 400265 -General Fund
 - Transfer appropriations of up to \$2,308,362 from CIP S15012, Fire-Rescue Air Operations Facility, to CIP S17009, 101 Ash Improvements, within Fund 400868 SDTFC Series 2018C Tax Exempt
 - Increase appropriations in CIP S15012, Fire-Rescue Air Operations Facility and appropriate and expend up to \$2,308,362 from Fund 400869- General Fund Commercial Paper Notes
- 6. A resolution Authorizing the Chief Financial Officer to execute a interfund loan between the Capital Outlay Fund and the Development Services Enterprise Fund for the estimated amount of \$8.8 million with the interest rate and the repayment term to be fixed at the time of the loan execution and the final amount determined at the completion of construction.

Option C: Award Base Bid+ Additive Alternate

- 1. A resolution authorizing the Mayor or his designee to execute a construction contract for the Base Bid plus Additive Alternate, with the lowest responsible and reliable bidder, West Coast General Corp. The funding will come from General Fund contributions to the CIP- Fund 400265, Capital Outlay- Fund 400002, Facilities Financing Fund- Fund 200001, 101 Ash Facility Improvements Fund- Fund 400866, SDTFC Series 2018C Tax Exempt Bonds- Fund 400868 and will be used for construction of the 101 Ash Improvements, CIP WBS S-17009, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
- 2. The Chief Financial Officer is authorized to expend an amount not to exceed \$25,880,410 for CIP \$17009, 101 Ash Improvements Project, which includes funding for the construction contract, change orders, staff time, modular office spaces, and related project costs.
- 3. A resolution authorizing the Chief Financial Officer to make the following appropriations and transfers between funds:
 - Appropriate and transfer an amount of \$149,780 from the Department of IT, Fund 200308 to Fund 400265, General Fund
 - Appropriate and transfer an amount up to \$148,226 from General Fund, 400265 to the Engineering and Capital Projects, Fund 720057
- 4. A resolution authorizing an amendment increasing the not to exceed amount from \$80.5 million to \$88.5 million for the issuance of General Fund Lease Revenue Commercial Paper Notes
- 5. A resolution authorizing the Chief Financial Officer to amend the Fiscal Year 2019 Capital Improvement Program (CIP) budget appropriations as follows:
 - Increase appropriations in CIP S17009,101 Ash Improvements, and appropriate and expend up to \$149,780 from Fund 400265 General Fund

- Decrease appropriations by \$148,226 in CIP S17009,101 Ash Improvements, from Fund 400265 -General Fund
- Transfer appropriations of up to \$7,873,470 from CIP S15012, Fire-Rescue Air Operations Facility, to CIP S17009, 101 Ash Improvements, within Fund 400868 SDTFC Series 2018C Tax Exempt
- Increase appropriations in CIP S15012, Fire-Rescue Air Operations Facility and appropriate and expend up to \$7,873,470 from Fund 400869- General Fund Commercial Paper Notes
- 6. A resolution Authorizing the Chief Financial Officer to execute an inter-fund loan between the Capital Outlay Fund and the Development Services Enterprise Fund for the estimated amount of \$9.6 million with the interest rate and the repayment term to be fixed at the time of the loan execution and the final amount determined at the completion of construction

DISCUSSION OF ITEM:

On January 4, 2018 the 101 Ash Street Tenant Improvements project was posted for bid. The scope included tenant improvements for the entire building, upgrades to comply with ADA requirements, asbestos removal, furniture and IT infrastructure. The contract also required a 24 hour-7 days a week work schedule in an effort to occupy the building as soon as possible. The lowest responsive bidder came back with a price of \$21.7 million, taking the total project cost to \$32 million. On March 26, 2018 staff cancelled the bids.

Since the cancellation of the bids, staff has briefed City Councilmembers, as well as developed options for occupying the 101 Ash Street Building which included comparative estimates for the City Council's review.

On May 23, 2018, staff brought two items forward to the City Council's Infrastructure Committee. The first item was a comprehensive review of the 101 Ash Street Building and Proposed Tenant Improvements which provided the history of the agreement to purchase the building as well as detailed options as to how the building could be occupied. The scenarios presented included moving in "as is" to maximize the number of employees to occupy all of the 19 floors. The report is attached to this report in Attachment 1. The second item presented to the Committee was a request for appropriation adjustments to the 2018 CIP budget as part of the Fiscal Year 2018 Capital Improvement Program (CIP) Year-End Budget Monitoring Report and CIP Budget Adjustments, which included appropriations for CIP S17009 - 101 Ash Improvements. The Infrastructure Committee recommended appropriations for 101 Ash Improvements be heard separately from the Year-End CIP Budget adjustment and this report contains those recommended appropriations for City Council consideration.

On June 18, 2018, staff brought forward to City Council, a request for appropriation adjustments to the 2018 CIP budget as part of the Fiscal Year 2018 Capital Improvement Program (CIP) Year-End Budget Monitoring Report and CIP Budget Adjustments, which included appropriations for CIP S17009 - 101 Ash Improvements. City Council voted 7-2 in favor of this appropriation (R-311815). Staff requested appropriation adjustments totaling approximately \$13.2 million. Of that \$13.2 million, \$180,781 was incorrectly requested to come from the Department of IT's General Fund operating appropriation, which is used for the replacement of computers. The appropriation should have come from the Department of IT Fund, Fund 200308, which is used to support Department of IT operations. The proposed actions under option 2 and option 3 (now identified as option B and option C) request adjusting appropriations for Department of IT fund to correct this error.

Based on the Infrastructure Committee's recommendation to City Council, staff began advertising a construction contract for Scenario 3 and Scenario 4, which are further described below:

Scenario 3: Improvements Limited to Five Floors (Option B):

Tenant improvements on floors 1 Development services Department public serving one-stop shop 2, 17 through 19, Right-Of-Way, and basement.

Scenario 4: Maximize Employee Centralization with Improvements to All Floors (Option C) Tenant improvements for all 19 floors to accommodate approximately 1,157 employees.

Public Works Department opened construction bids on July 12, 2018, and received 3 bids with the apparent lowest responsive responsible bidder being West Coast General Corporation in the amount of \$12,372,696.00 for the Base bid (5 floors), and the amount of \$17,080,261.00 for the Base Bid plus Additive Alternate (19 Floors). With these bids the estimated capital project costs are approximately \$19.5 million for 5 floors and \$25.9 million for all 19 floors. Please see Attachment 2 for the detailed costs of each scenario.

Cost	Scenario 1	Scenario 3	Scenario 4
3rd Party Review of Design	\$ 80,000	\$ 80,000	\$ 80,000
Existing Contracts	250,171	250,171	250,171
Project-to-Date Cost (5/14/18)	1,010,314	1,010,314	1,010,314
Costs Before Scenario Planning	\$ 1,340,485	\$ 1,340,485	\$ 1,340,485
Building Access Control Upgrades	300,000	300,000	300,000
IT Fiber Optics into 101 Building (Removed from Scope of Work)	-	-	-
IT Hardware and Deployment	693,254	693,254	693,254
IT Network Cable and Installation	-	584,260	1,195,315
Additional City Soft Costs	39,600	645,880	772,800
Painting & Carpet Cleaning (JOC contractor)	132,000	211,000	-
Additional Gensler Space Planning	45,000	35,000	-
Redesign Plans and Permitting	-	38,000	-
Projected Construction Cost (Interior ADA Incl.)	-	11,430,673	15,527,183
Sidewalk ADA Improvements	-	357,763	357,763
Outside Construction Management		400,000	525,000
Environmental Monitoring Consultant	-	103,323	247,975
Modular - 1st Floor	-	840,449	840,449
Modular - 2, 17, 18, 19	-	769,165	769,165
Modular - Remaining Floors	-	-	958,256
Total Before Contingency, Financing and Moving	\$ 2,550,339	\$ 17,749,252	\$ 23,527,645
Contingency 10%	255,034	1,774,925	2,352,765
Capital Costs	\$ 2,805,373	\$ 19,524,178	\$ 25,880,410
Financing Costs			
(\$0, \$8.8 Million, \$9.6 Million)	-	2,503,210	2,730,774
Move in @ \$5 sq. ft. (302,192)	1,510,960	1,510,960	1,510,960
Project and Moving Costs	\$ 4,316,333	\$ 23,538,348	\$ 30,122,144

Project Funding

Based on current projections, if the Council chooses Option B or Option C, as outlined above, the 101 Ash Improvements project will need additional appropriations of \$2.3 million or \$7.9 million, respectively. Staff recommends that in either option, the funding be allocated from Tobacco Settlement Revenue Bond proceeds, currently allocated to the Fire-Rescue Air Operations Facility (CIP S15012) and that the Commercial Paper Program be increased to replace funding for Fire-Rescue Air Operations Facility project. Debt service payments related to the expansion of the Commercial Paper Program and subsequent bond issue would be offset with loan repayments made by the DSD Fund as described below.

In its June 14, 2018 report, the Office of the Independent Budget Analyst (IBA) identified Tobacco Bonds allocated to the Air Operations Facility CIP that were not expected to be spent until FY 2020 and suggested they be considered as a potential funding source for 101 Ash. The Public Works Department confirmed that the amount to be spent through FY 2020 for the Air Operations Facility is approximately \$8.0 million, of the approximately \$14.1 million appropriated. Staff agrees these proceeds should be reallocated to capital improvement projects with more immediate cash needs.

Staff also recommends that the commercial paper program be increased to replace funding for the Air Operations Facility project, to ensure no delays are caused due to funding. Currently City Council has authorized an \$80.5 million commercial paper program and this action would increase the not to exceed amount to either \$83 million or \$88.5 million depending on the scope of work (option) selected by Council for 101 Ash Street Improvements.

It is more cost effective to use cash on hand for projects with immediate cash needs, like street resurfacing and 101 Ash Improvements, to avoid drawing on commercial paper and incurring interest costs prematurely. A commercial paper appropriation for the Fire-Rescue Air Operations Facility project will allow it to continue moving forward without incurring interest expenses until Fiscal Year 2020. The Department of Finance evaluates project cash needs on a regular basis and reallocates funding sources as needed to maximize the use of cash on hand. Reallocations that

have a net increase on project budgets are submitted to the City Council as part of the semi-annual CIP consolidated action for approval.

The Development Services Department Enterprise Fund (DSD Fund) has been allocated \$8.8 million or \$9.6 million for either Option B or Option C, respectively. Based on square footage and direct costs associated with the Development Services Department. The actual allocation to the DSD Fund is subject to final costs of the overall project.

Subject to Council Approval, the DSD Fund will execute a loan agreement to repay the Capital Outlay Fund over a not to exceed 15 years at the General Fund's current borrowing rate for the corresponding borrowing term. The DSD Fund would use a portion of the additional revenues generated by the recently approved DSD fees to repay this loan with the repayment term dependent on projected fee capacity. The loan execution and transfer of funds to the DSD Fund will be arranged concurrent with the start of the project construction, currently projected to be September 1, 2018. DSD Fund will begin the repayment effective January 1, 2020 after the move to the new facility, which is currently expected to occur at the end of Calendar Year 2019. The projected repayment amount for Option B (\$8.8 million DSD Fund allocation) is \$0.38 million in FY 2020 and 2035 and \$.75 million during FY 2021-2034. Option C (\$9.6 million DSD Fund allocation) is estimated \$0.41 million in FY 2020 and 2035 and \$0.82 million during FY 2021-2034. These estimates assume a 15-year repayment term and a borrowing rate of 3.04%. Debt service payments made by the DSD Fund to the Capital Outlay Fund can offset debt service related to the expansion of the Commercial Paper Program and subsequent bond issue. Charter Section 77 allows for the Capital Outlay Fund to reimburse the General Fund for prior capital expenditures and for financing costs.

The final loan terms including the actual borrowing rate and the repayment term will be fixed on the loan execution date. The final loan amount will be determined at the completion of construction.

In addition to appropriations for the Department of IT fund mentioned earlier in this staff report, Proposed Action Options B and Options C make budget adjustments between funding sources to ensure that the funding sources in the capital project are aligned with cost of the project. The proposed funding sources and actions are described in the charts below.

Option B (Scenario 3, 5 floors)

	TOTAL	Citywide (General Fund)	Dept IT (IT Fund)	Office of Sustainability	Facilities Financing	Local Enforcement Agency	Public Works Contracting	Development Services	Arts and Culture
Sources									
\$ 5 Million Tenant Allowance Allocated to Renters	5,000,000	2,280,509	280,186	111,552	111,552	24,819	111,552	2,005,463	74,367
FY18 Use of Fund Balance (transfer to CIP)	1,267,773	-	573,417				490,725		203,631
FY18 Operating Budget (transfer to CIP)	2,219,962	2,100,000		-	71,975	-	-	-	47,987
FY18 Capital Outlay Fund (transfer to CIP)	9,517,649	756,737	-	-	-	-	-	8,760,912	-
Subtotal	18,005,384	5,137,246	853,603	111,552	183,527	24,819	602,277	10,766,375	325,985
Subtotal Funding Surplus (Need)	(1,518,794)	(2,110,088)	217,551	(102,196)	(30,221)	(65,857)	388,529	-	183,488
Tobacco Bonds Reallocation	2,308,362	2,308,362	-	-	-	-	-		-
Adjusting Appropriations	(789,568)		(217,551)				(388,529)		(183,488)
Total Sources	19,524,178	7,445,608	636,052	111,552	183,527	24,819	213,748	10,766,375	142,497
Tenant Improvements	19,524,178	7,247,334	636,052	213,748	213,748	90,676	213,748	10,766,375	142,497
CIP Funding Surplus (Need)	-	198,274	-	(102,196)	(30,221)	(65,857)	-	-	-

Option C (Scenario 4, 19 Floors)

	TOTAL	Citywide (General Fund)	Dept IT (IT Fund)	Office of Sustainability	Facilities Financing	Local Enforcement Agency	Public Works Contracting	Development Services	Arts and Culture
Sources									
\$ 5 Million Tenant Allowance Allocated to Renters	5,000,000	2,280,509	280,186	111,552	111,552	24,819	111,552	2,005,463	74,367
FY18 Use of Fund Balance (transfer to CIP)	1,267,773	-	573,417				490,725		203,631
FY18 Operating Budget (transfer to CIP)	2,219,962	2,100,000		-	71,975	-	-	-	47,987
FY18 Capital Outlay Fund (transfer to CIP)	9,517,649		-	-	-	-	-	9,517,649	-
Subtotal	18,005,384	4,380,509	853,603	111,552	183,527	24,819	602,277	11,523,112	325,985
Subtotal Funding Surplus (Need)	(7,875,026)	(7,245,708)	(149,780)	(326,622)	(149,680)	(82,189)	148,226	(53,189)	(16,084)
Tobacco Bonds	7,873,472	7,873,472	-	-	-	-	-		-
Adjusting Appropriations	1,554		149,780				(148,226)		
Total Sources	25,880,410	12,253,981	1,003,383	111,552	183,527	24,819	454,051	11,523,112	325,985
Tenant Improvements	25,880,410	11,626,217	1,003,383	438,174	333,207	107,008	454,051	11,576,301	342,069
Total Capital Expenses	25,880,410	11,626,217	1,003,383	438,174	333,207	107,008	454,051	11,576,301	342,069
CIP Funding Surplus (Need)	-	627,764	-	(326,622)	(149,680)	(82,189)	-	(53,189)	(16,084)

In closing, as is outlined in the report staff is looking to City Council to approve one of the 3 options and corresponding resolutions. If the Council adopts Option B or Option C, both of which requires construction, staff will immediately move forward with the award, which is estimated to be complete in September, with the Notice to Proceed to occur in October 2019.

Option A:

• Move in as-is

• Capital Costs: \$2,805,373

Project & Moving Cost: \$4,316,333

Option B:

• Tenant Improvements of 5 Floors (including DSD "One Stop Shop")

• Capital Costs: \$19,524,178

• Project & Moving Cost: \$23,538,348

Option C:

Tenant Improvements of all 19 Floors

• Capital Costs: \$25,880,078

Project & Moving Cost: \$30,122,144

<u>City Strategic Plan Goal(s)/Objective(s):</u>

Goal #1 Provide high quality public service

Objective #1 Promote a customer-focused culture that prizes accessible, consistent, and

predictable delivery of services

Objective #2 Improve external and internal coordination and communication

Objective #3: Ensure equipment and technology are in place so that employees can achieve high quality public

service

Goal #2 Work in partnership with all our communities to achieve safe and livable

Neighborhoods

Objective #3 Invest in infrastructure

Fiscal Considerations:

Approval of this action will result in capital and operating expenditures associated with one of the three options selected by the City Council (cancel bids, base bid, and base plus additive alternate). These costs are presented in the table below and in more detail in Attachment 2. Funding sources for each of the options have been identified in the Project Funding section of this report. The proportionate share of the costs related to the DSD Fund will be paid over time through the execution of an interfund loan, to the DSD Fund from the Capital Outlay Fund.

Staff has laid out a comparison of the long-term costs associated with the three options in Attachment 2. This analysis lays out the direct costs of the tenant improvements and estimates external costs related to obtaining outside lease space. The table below shows the Capital Project costs and the direct costs associated with each option.

Cost	Option A	Option B	Option C
Capital Costs	\$ 2,805,373	\$ 19,524,178	\$ 25,880,410
Financing Costs			
(\$0, \$8.8 Million, \$9.6 Million)	-	2,503,210	2,730,774
Move in @\$5 sq. ft. (302,192)	1,510,960	1,510,960	1,510,960
Project and Moving Costs	\$ 4,316,333	\$ 23,538,348	\$ 30,122,144
Estimated 20 year			
Savings/(Costs) based on			
October 2016 Report			
Methodology*	\$ (50,313,001)	\$ 1,055,765	\$ 43,004,078

^{*} See Attachment 3, for details

Staff has provided suggested appropriations to cover the capital costs for each option discussed in this report. Moving and financing costs would be included as part of the operating budget.

Approval of Option B or Option C (base bid and base plus additive alternate) will result in the expansion of the General Fund Commercial Paper Program by \$2.5 million or \$7.5 million respectively. Debt service payments by the General Fund associated with the expansion of the Commercial Paper Program and subsequent bond issue can be offset by loan repayments received by the Capital Outlay Fund for the interfund loan to the DSD Fund. Charter Section 77 allows for the Capital Outlay Fund to reimburse the General Fund for prior capital expenditures and for financing costs.

Environmental Impact:

This activity is categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 is (Existing Facilities).

Equal Opportunity Contracting Information (if applicable):

Contracts or agreements associated with this action are subject to the City's Equal Employment Opportunity Outreach Program (San Diego Ordinance No. 18173, Municipal Code Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

Previous Council and/or Committee Actions:

- City Council approved the increase of the project's budget from \$5 million, to \$18.2 million on June 18, 2018, via Resolution R-311815.
- This item was originally included on the CIP Year-End action presented to the Infrastructure Committee on May 23, 2018. The Committee recommended bifurcating the item, so that the appropriations for the 101 Ash Street Building could be heard at a later date than the rest of the item. Staff has also integrated information from an Informational Item that was presented to the Committee on May 23, 2018, and subsequently approved by Council on June 8, 2018.
- City Council approved the Lease-to-own agreement for the 101 Ash Street building via Ordinance O-20745.
- City Council appropriated Tobacco Revenue Settlement Bond Funding into the Capital Budget on December 12, 2017, via Resolution R-311474.
- City Council authorized an \$80.5 million not to exceed amount for General Fund Commercial Paper Notes on May 15, 2018 via R-311757.

Key Stakeholders and Community Outreach Efforts:

City taxpayers and City employees

James Nagelvoort	Stacey LoMedico
Department Director, Public Works Dept.	Assistant Chief Operating Officer

ATTACHMENT J: 2018 Staff Report – 101 Ash TI Project Selection, dated July 31, 2018